

Restoring Rule of Law in US Middle East Policy: America's 2005 Priorities

American Values vs. US Middle East Policy

The year 2004 plumbed dark new depths of America's foreign policies in the Middle East. American citizens, usually willing to support official rationales for foreign policy, including military intervention, on trust in the office of the President, now overwhelmingly oppose the US invasion of Iraq. 56 percent of respondents to a Washington Post-ABC News poll released on December 21, 2004 conclude that the conflict "was not worth the fight" given mounting costs and new information that fundamental justifications for the invasion were incorrect. This new distrust is the backlash to a continuing series of legally and morally questionable actions which have stripped away America's former reputation as a country operating under the "rule of law". (See Exhibit 1)

Exhibit 1: US Departures from Rule of Law in Middle East Policy

(Source: IRmep, Lexis-Nexis)

Event	Analysis	Impact
<i>UN Secretary General Kofi Annan declares US invasion of Iraq "illegal".</i>	<i>Annan publicly stated that the invasion went against international law, an observation now supported even by neoconservative ideologues such as Richard Perle.</i>	<i>UN legitimacy is now under attack by war proponents for this statement. Scandals such as the "oil for food" program are generating non-proportional calls for UN leadership resignations and institutional defunding.</i>
<i>Abu Ghraib and Guantanamo Torture Scandals</i>	<i>Authorized use of "stress positions," attack dogs, and environment for sexual humiliation provide a new and startling image of the modus operandi of American military and intelligence forces in the region.</i>	<i>Future generations of US operatives in the Middle East will face populations who equate US armed forces with torture and sexual perversion, a vast departure from their reputation in other regions.</i>
<i>US Torture Memo ¹</i>	<i>The public release of a 2003 Pentagon policy paper outlining "legalisms" to sidestep Geneva Conventions and authorize US use</i>	<i>The release of this memo ignites global perceptions that the US no longer abides by the Geneva Conventions and that</i>

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	<i>of torture fosters a “might makes right, anything goes” attitude in US special ops, intelligence, and contractor communities.</i>	<i>the military believes the President has virtually unlimited powers to approve practices outlawed by international treaties.</i>
<i>WMD Rationale/False Evidence</i>	<i>Deputy US Secretary of Defense Paul Wolfowitz made a public admission that WMD was merely one factor to overcome “bureaucratic” objections to war, and that WMD had never been the most compelling justification for invading Iraq.</i>	<i>Allies and opponents alike understand that the US is willing to employ false rationales to present the case for the most important decision a nation ever makes: whether or not to initiate a military conflict.</i>
<i>Iraqi Debt Influence Peddling²</i>	<i>Carlyle Group and Albright Group, headed by luminaries James Baker and Madeline Albright, offer to shelter Kuwait’s sovereign debt from official US efforts to renegotiate/eliminate outstanding Iraqi sovereign debt.</i>	<i>A January 2004 proposal to Kuwait made by Carlyle and Albright offers to protect Kuwaiti debt from US calls for debt forgiveness. Places special debt envoy Baker and former Sec. of State Albright in the position of lobbying against US interests on behalf of a foreign government in exchange for a \$1 billion investment and potential management fees.</i>

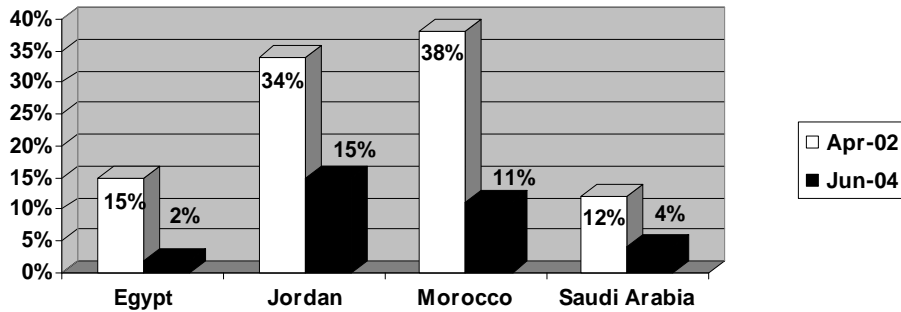
Observers in the United States and abroad are coming to see the US as a force oblivious to truth, justice, and transparency, unfettered by the rule of law. In the Middle East, actors are forced by the evidence to conclude that the rule of law takes second place to the principle that “might makes right.”

Rule of Law – Linchpin of Future US Success

Analysts in the United States, as well as President Bush, have long trumpeted that Arabs, particularly Muslims, “hate us for our freedoms.” Statistically relevant surveys in the region quickly dispense with this theory. According to the Zogby International Poll results released in June 2004, the Arab and Muslim population’s favorable opinion of the US declines as a direct result of America’s regional policy.

Exhibit 2: Favorable Opinion of the United States April 2002, June 2004

(Source: Zogby International)



Regional opinion about the US is deteriorating because of “facts on the ground” transmitted via non-stop satellite coverage of the US military operations in Iraq and US-supported Israeli military actions in Palestine. The loss of moral high ground comes at the worst possible moment for US policymakers. American objectives to reverse nuclear proliferation and terrorism emanating from the region will fail if abidance by the rule of law is relegated to the dustbin. America can only succeed in the Middle East if it abides by the rule of law, particularly international law and treaties to which it is signatory. There is one key opportunity to reverse a precipitous decline in moral authority: facilitating a just settlement of the Israel-Palestine conflict while abiding by international law and applicable UN resolutions.

Myths Dispelled in 2004 - Israel Preempts Peace in 1967

The US needs to signal to the Middle East and the world a renewed American respect for international law by tackling the core regional conflict between Israel and Palestine. Key Israeli pundits have already stepped up a two-pronged disinformation campaign regarding Palestinian territories and their ongoing occupation. The first position is that returning an extremely limited control of Gaza to Palestinians represents major progress and “land for peace.” The second position is that portions of the West Bank, rebranded the new “Judea and Samaria” by former Israeli Ambassador to the UN Dore Gold and US-based Israeli lobbies, are non-negotiable in any future deal with Palestinians.

Is Gaza a “prize”?

Informed analysis refutes the idea that an Israeli Gaza withdrawal is “progress.” An isolated and densely populated Gaza with limited sovereignty is not a solution to the Palestinian refugees ousted during the creation of Israel in 1948. As Palestinian legislator Hanan Ashrawi clarified on Capitol Hill in February of 2004:

“...it is very important that any removal of settlements from the Gaza Strip would not be seen as a license for Israel to consolidate its hold on the West Bank, to augment its settlements in the West Bank, to remove settlers from Gaza and add them to the West Bank settlements, or to claim that now that it has removed settlements, it can move the wall even further east and take more land and annex most of the West Bank. And the

danger is precisely because the West Bank is the land of ideology for the settlers, not Gaza. They don't want Gaza. Remember, Rabin said he would like nothing better than to wake up one day and see that Gaza has sunk into the sea. Obviously, we should have told them, and at one time during negotiations, one of my colleagues said, "If we accept Gaza, what will you give us in return?"³

Israel Pre-empts Peace in 1967

Key diplomatic maneuvers leading up to the Israeli occupation were unavailable until the release of information one year ago. Until January of 2004, it was common historical perception that the 1967 six-day war and subsequent Israeli seizure of the West Bank and Jerusalem were an "unavoidable response" to imminent Arab aggression. Yet previously classified data released in January 2004 by the Office of the Historian of the US State Department reveals desperate Egyptian diplomatic attempts to wind down the confrontation and repeated guarantees by Nasser to leaders in Washington that it would not strike first. The US estimated that these private Egyptian entreaties were intercepted and ultimately thwarted by Israel's pre-emptive air attacks on June 6 of 1967.⁴ Palestinian refugees never judged Israel the justified new owner of the West Bank and entirety of Jerusalem. Official histories in the US no longer do either.

Return to the concept of "rule of law" in the Middle East will begin with America's firm commitment to returning lands expropriated by Israel in 1967 to Palestinians and aiding in negotiating the Right of Return and/or Israeli reparations to populations displaced in 1948.

American values will not lead toward continued financial support or partnership in the ethnic cleansing of Palestinians. Imposing a settlement to the Israeli-Palestinian conflict in 2005 is a necessary moral precursor to any larger attempt to reform and develop the region. The US will continue to suffer a crisis of confidence, domestically and abroad, if US policies subvert international treaties, laws, and American values.

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